



1 FINANCE AND ADMINISTRATION CABINET

2 Office of the Controller

3 (Repealer)

4 200 KAR 38:021. Repeal of 200 KAR 38:020 & 200 KAR 38:030.

5 RELATES TO: KRS 23A.205, 23A.206, 23A.2065, 23A.215, 24A.175, 24A.176, 24A.1765,  
6 24A.180, 42.320, 189A.050

7 STATUTORY AUTHORITY: KRS 42.0201(3)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 42.0201(3) authorizes the  
9 Controller's Office to establish guidelines for the tracking of expenditures of the state. These  
10 regulations allocate various costs and fees of persons either convicted of a criminal offense in  
11 circuit court or convicted of driving under the influence of alcohol or other substances. Sufficient  
12 guidance is now provided in statute for the administration of these costs and fees. Therefore, these  
13 administrative regulations are no longer needed.

14 Section 1. The following administrative regulations are hereby repealed:

15 (1) 200 KAR 38:020, Allocation of driving under the influence service fee; and

16 (2) 200 KAR 38:030, Allocation and distribution of criminal court fees

200 KAR 38:021

APPROVED BY AGENCY:

William M. Landrum III

WILLIAM M. LANDRUM III, SECRETARY  
Finance and Administration Cabinet

6 Sept 2017  
Date Approved

## PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall be held on October 24, 2017, at 1:00 p.m. in Room 11A, State Office Building, Frankfort KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through October 31, 2017. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Lisa Swiger, Tax Policy Research Consultant, Department of Revenue, 501 High Street, Station 1, Frankfort, Kentucky, 40601, (502)564-9526 (telephone), (502)564-3875(fax), [Lisa.Swiger@ky.gov](mailto:Lisa.Swiger@ky.gov)(email).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Regulation #: 200 KAR 38:021

Contact Person: Lisa Swiger  
Phone Number: (502)564-9526  
Email: Lisa.Swiger@ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does: Repeals 200 KAR 38:020 and 200 KAR 38:030. Sufficient guidance on the administration of the DUI service fees and County Clerk fees associated with these regulations is now provided in KRS 189A.050 and KRS 133.240. Therefore, a regulation is no longer needed.

(b) The necessity of this administrative regulation: KRS Chapter 13A.310 requires a regulation that will no longer be updated or effective to be repealed. These regulations have not been revised or updated since 2005.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation filing is required per the provisions of KRS Chapter 13A.310 that requires the repeal of a regulation that will not be updated or considered in effect in the future.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is repealing an outdated or unnecessary regulation, thereby complying with KRS 13A.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This regulation is not an amendment to an existing regulation, but rather repealing a regulation that is no longer needed.

(b) The necessity of the amendment to this administrative regulation: N/A

(c) How the amendment conforms to the content of the authorizing statutes: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: No person, business, organization or state and local government will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): None.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: N/A

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No change.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this regulation.

(9) TIERING: Is tiering applied? Tiering was not applied for this regulation because it is repealing an existing regulation.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation #: 200 KAR 38:021

Contact Person: Lisa Swiger  
Phone Number: (502)564-9526  
Email: Lisa.Swiger@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? None. KRS 189A.050 and KRS 133.240 are the authorizing statutes for the fees regulated by 200 KAR 38:020 and 200 KAR 38:030. These statutes were updated in 2016 to provide sufficient guidance for the information provided in these regulations. The Finance and Administration Cabinet will no longer need to review or update these regulations.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS Chapter 13A.310 requires that all regulations that will no longer be updated in the future to be repealed.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no effect on expenditures and revenues for state or local government agencies. The repeal of these regulations will have no effect on the collection of these fees. The fees and costs associated with these regulations will continue to be collected and allocated as they currently are under the guidance of the authorizing statutes.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None. This regulation only repeals an unnecessary administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: